

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

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| UNITED STATES OF AMERICA |) | |
| |) | |
| vs. |) | Case No. 3:12-cr-239 |
| |) | |
| JOHN WAYNE PERRY, JR. (11) |) | |
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ORDER

THIS MATTER is before the Court on Defendant's Motion *in Limine* to Exclude Testimony of Debra Sherrill (Doc. No. 579) and Motion to Exclude Testimony of Vincent Maldini (Doc. No. 583). After careful consideration of Defendant's Motion as to Debra Sherrill, the Court finds that the Government's notice meets the requirements of Rule 16 of the Federal Rules of Criminal Procedure and that the probabtive value of this testimony is not outweighed by any danger of undue delay or the presentation of cumulative evidence.¹

As to Defendant's Motion to Exclude the Testimony of Vincent Maldini, the Government shall have until **noon on Friday, June 6, 2014** to file its response, which should include a brief outline of the testimony that Mr. Maldini is expected to give at trial. The Court will conduct a brief hearing on this matter after the selection of the jury on Monday June 9, 2014. At that time, the Court will also take up the parties' other motions *in limine* pending in this case (Doc. Nos. 448 & 472).

IT IS THEREFORE ORDERED that Defendant's Motion *in Limine* to exclude the

¹ The Court also notes that, since the filing of Defendant's Motion, he has been given access to transcripts of Dr. Sherrill's testimony from a previous trial segment in this matter in order to aid his trail preparation.

testimony of Debra Sherrill (Doc. No. 579) is **DENIED**. The Court will reserve judgment on Defendant's Motion to Exclude Testimony of Vincent Maldini (Doc. No. 583) until Monday June 9, 2014.

SO ORDERED.

Signed: June 3, 2014

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

